

# Senate Study Bill 1016

SENATE FILE \_\_\_\_\_  
BY (PROPOSED COMMITTEE ON  
JUDICIARY BILL BY  
CO=CHAIRPERSON KREIMAN)

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

## A BILL FOR

1 An Act to establish a crime victim and witness notification  
2 system and advisory council in the department of justice and  
3 providing an effective date.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
5 TLSB 1164XC 81  
6 kk/cf/24

PAG LIN

1 1 Section 1. Section 331.756, subsection 83A, Code 2005, is  
1 2 amended to read as follows:  
1 3 83A. Carry out the duties imposed under ~~sections 915.12~~  
1 4 ~~and section 915.13.~~  
1 5 Sec. 2. Section 915.10, subsections 1 and 2, Code 2005,  
1 6 are amended to read as follows:  
1 7 1. "Notification" means mailing by regular mail or  
1 8 providing for hand delivery of appropriate information or  
1 9 papers. However, this notification procedure does not  
1 10 prohibit an office, agency, or department from also providing  
1 11 appropriate information to a registered victim by telephone,  
1 12 electronic mail, or other means.  
1 13 2. "Registered" means having provided the ~~county~~ attorney  
1 14 general with the victim's written request for registration and  
1 15 current mailing address and telephone number.  
1 16 Sec. 3. NEW SECTION. 915.10A CRIME VICTIM AND WITNESS  
1 17 NOTIFICATION SYSTEM.  
1 18 1. There is established in the department of justice under  
1 19 the direction of the attorney general a crime victim and  
1 20 witness notification system to assist public officials in  
1 21 informing crime victims and witnesses as provided in this  
1 22 subchapter and where otherwise specifically provided. The  
1 23 system shall receive necessary information from participating  
1 24 officials and agencies and disseminate the information to  
1 25 registered victims and witnesses through telephonic,  
1 26 electronic, or other means of access established by the crime  
1 27 victim and witness notification advisory council. The  
1 28 attorney general may enter into necessary contracts and  
1 29 arrangements to implement and operate the system.  
1 30 2. The department of corrections, department of human  
1 31 services, board of parole, clerks of the district court,  
1 32 county attorneys, and local correctional facilities shall  
1 33 assist the attorney general with the implementation of the  
1 34 system and provide information as necessary for the effective  
1 35 operation of the system.  
2 1 3. An office, agency, or department may satisfy a  
2 2 notification obligation to registered victims required by this  
2 3 subchapter through participation in the system to the extent  
2 4 information is available for dissemination through the system.  
2 5 Nothing in this section shall relieve a notification  
2 6 obligation under this subchapter due to the unavailability of  
2 7 information for dissemination through the system.  
2 8 4. The attorney general may provide necessary equipment,  
2 9 software, or training necessary to implement the system to  
2 10 those entities participating in the system.  
2 11 5. The attorney general may adopt rules to provide for the  
2 12 registration of certain witnesses of crime and any other rules  
2 13 necessary to implement the crime victim and witness  
2 14 notification system.  
2 15 Sec. 4. NEW SECTION. 915.10B CRIME VICTIM AND WITNESS

2 16 NOTIFICATION ADVISORY COUNCIL.

2 17 1. A crime victim and witness notification advisory  
2 18 council is established in the department of justice. The  
2 19 council shall advise the attorney general on matters  
2 20 pertaining to the implementation and operation of the crime  
2 21 victim and witness notification system.

2 22 2. The council shall consist of seven voting members  
2 23 appointed by the attorney general. The members shall be  
2 24 persons representing victim advocates, juvenile officers,  
2 25 sheriffs and local law enforcement, the department of  
2 26 corrections, the board of parole, and any other interested  
2 27 persons appointed by the attorney general. Each member shall  
2 28 serve a two-year term or a length of time as adopted by rule  
2 29 pursuant to this section. The attorney general shall serve as  
2 30 an ex officio, nonvoting member.

2 31 3. The council, with the assistance of the attorney  
2 32 general, may establish rules regarding terms of office, the  
2 33 election of council officers, meeting dates and locations, and  
2 34 any other procedural requirements necessary to maintain the  
2 35 council.

3 1 Sec. 5. Section 915.11, Code 2005, is amended to read as  
3 2 follows:

3 3 915.11 INITIAL NOTIFICATION BY LAW ENFORCEMENT.

3 4 A local police department or county sheriff's department  
3 5 shall advise a victim of the right to register with the ~~county~~  
3 6 attorney general, and shall provide a request-for=  
3 7 registration form to each victim.

3 8 Sec. 6. Section 915.12, Code 2005, is amended to read as  
3 9 follows:

3 10 915.12 REGISTRATION.

3 11 1. The ~~county~~ attorney general shall be the sole registrar  
3 12 of victims under this subchapter.

3 13 2. A victim may register by filing a written request-for=  
3 14 registration form with the ~~county~~ attorney general or by any  
3 15 other method approved by the attorney general. ~~The county~~

~~3 16 attorney shall notify the victims in writing and advise them~~  
~~3 17 of their registration and rights under this subchapter.~~

3 18 3. The ~~county~~ attorney general shall provide a registered  
3 19 victim list to the offices, agencies, and departments required  
3 20 to provide information under this subchapter for notification  
3 21 purposes.

3 22 4. Notwithstanding chapter 22 or any other contrary  
3 23 provision of law, a victim's registration shall be strictly  
3 24 maintained in a separate confidential file or other medium,  
3 25 and shall be available only to the offices, agencies, and  
3 26 departments required to provide information under this  
3 27 subchapter.

3 28 Sec. 7. Section 915.13, subsection 1, unnumbered paragraph  
3 29 1, Code 2005, is amended to read as follows:

3 30 The county attorney shall notify a victim registered with  
3 31 the ~~county attorney's~~ office of the attorney general of the  
3 32 following:

3 33 Sec. 8. Section 915.18, subsection 2, Code 2005, is  
3 34 amended to read as follows:

3 35 2. Offenders who are being considered for release on  
4 1 parole may be informed of a victim's registration with the  
4 2 ~~county~~ attorney general and the substance of any opinion  
4 3 submitted by the victim regarding the release of the offender.

4 4 Sec. 9. Section 915.19, subsection 2, Code 2005, is  
4 5 amended to read as follows:

4 6 2. The county attorney may notify an offender being  
4 7 considered for a reprieve, pardon, or commutation of sentence  
4 8 of a victim's registration with the ~~county~~ attorney general  
4 9 and the substance of any opinion submitted by the victim  
4 10 concerning the reprieve, pardon, or commutation of sentence.

4 11 Sec. 10. Section 915.29, Code 2005, is amended by adding  
4 12 the following new unnumbered paragraph:

4 13 NEW UNNUMBERED PARAGRAPH. The notification required  
4 14 pursuant to this section may occur through the crime victim  
4 15 and witness notification system established in section 915.10A  
4 16 to the extent such information is available for dissemination  
4 17 through the system.

4 18 Sec. 11. Section 915.45, Code 2005, is amended by adding  
4 19 the following new unnumbered paragraph:

4 20 NEW UNNUMBERED PARAGRAPH. The notification required  
4 21 pursuant to this section may occur through the crime victim  
4 22 and witness notification system established in section 915.10A  
4 23 to the extent such information is available for dissemination  
4 24 through the system.

4 25 Sec. 12. TRANSITIONAL PROVISION. The attorney general  
4 26 shall establish a schedule by which each county attorney shall

4 27 transfer all registrations under section 915.12 existing prior  
4 28 to the effective date of this Act to the attorney general.  
4 29 Sec. 13. EFFECTIVE DATE. This Act takes effect July 1,  
4 30 2006.

4 31 EXPLANATION

4 32 This bill establishes a crime victim and witness  
4 33 notification system and advisory council in the department of  
4 34 justice under the direction of the attorney general. The  
4 35 purpose of the system is to assist public officials in  
5 1 informing crime victims of information required to be provided  
5 2 to the victim which may include a schedule of court  
5 3 proceedings or parole hearings, and the release, escape,  
5 4 transfer, or pardon of an offender. Notifications required to  
5 5 victims of juvenile and sexual offenders are also permitted  
5 6 through the system. The attorney general may permit certain  
5 7 witnesses access to the system by rule and may enter into  
5 8 necessary contracts to implement and operate the system.

5 9 A crime victim and witness notification advisory council is  
5 10 established to advise the attorney general regarding the  
5 11 implementation and operation of the system. The attorney  
5 12 general shall appoint seven voting members and participate as  
5 13 a nonvoting member. The council may establish by rule  
5 14 provisions regarding terms of office, election of officers,  
5 15 and other requirements necessary to maintain the council. The  
5 16 bill transfers current victim registration authority from the  
5 17 county attorneys to the attorney general and requires the  
5 18 attorney general to establish a schedule by which to make the  
5 19 transition.

5 20 The bill takes effect July 1, 2006.

5 21 LSB 1164XC 81

5 22 kk/cf/24